Courtesy of National Child Labor Committee

Young People's Leaflet, June

A DEBATE ON CHILD LABOR

(SOCIAL SERVICE)

Woman's Department of the Board of Missions,
Methodist Episcopal Church, South,
Lambuth Building, Nashville, Tenn.

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PREAMBLE.

"Child labor is the work of children under conditions that interfere with the physical development, education, and opportunities for recreation which children require; it is the working of children at unfit ages, for unreasonable hours, or under unhealthful conditions."

The First Federal Child Labor Law.—Up until 1916 every State in the Union was allowed to follow its own pleasure in the matter of child labor restriction. However, in many of the States the standards were low. In those States, thousands of children were working in mills and factories nine, ten, eleven, and even twelve hours a day. To remedy this condition, Congress passed its first Federal child labor law saying that if anybody employed chldren under fourteen in a factory or cannery, or employed children between fourteen and sixteen years of age for more than eight hours daily, or before six A.M. or after 7 P.M. in a factory or cannery, or employed children under sixteen in a mine or quarry, that employer's goods could not be shipped in interstate commerce.

This law had been in force less than a year when the United States Supreme Court, by a close vote of five to four, declared it unconstitutional.

Second Child Labor Law.—At its session in 1919, Congress again passed a child labor law setting up the same standards as the first one, but invoking for

its authority the admitted power of Congress to levy taxes. If anybody employed children under conditions named in the first law, his net profits should be taxed ten per cent for the benefit of the United States Treasury. This was later declared unconstitutional by the United States Supreme Court.

Text of the Amendment.—"*Resolved*, That Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age."

Note.—This resolution was passed by a vote of practically four to one in the House and three to one in the Senate. However, before it can become a part of the Constitution of the United States, each State must be given a chance to accept or reject the amendment. A three-fourths majority will decide the question. (See note 2, page 6.)

Subject of Debate.—"*Resolved*, That the Child Labor Amendment to the Constitution be adopted."

Facts for the Affirmative.

Why Federal Law Is Needed.—After eighty years of effort on the part of the States to regulate child labor, children do not receive the protection of the law which the Constitution guarantees; if they are to receive equal protection the country over, the Federal government and not the States must regulate child labor. Interstate exploitation is not prevented by State laws. In one State where the standard is low, child workers cross State lines; sweatshop work for children is sent across State lines. It was learned that New York manufacturers were sending work to Jersey City to escape the New York regulations against tenement home work; because the employers were in New York they could not be reached by the New Jersey laws.

The Federal government and not the States should control child labor, because all the leading countries of the world, except the United States, by passing national child labor laws requiring children to be in school until a certain age have reduced the number of their citizens who can neither read nor write; only seven nations have a smaller percentage of illiteracy than has the United States.

If the Federal government regulates child labor, it will not necessarily make loafers of all children. Children will be allowed to work wholesomely and profitably; but their employment under unfair or improper conditions is nothing short of economic waste, a social crime, and a political menace. Over one million children between the ages of ten and sixteen were reported in the 1920 census as gainfully employed. All working children under ten years of age were not included in this census. If the Federal government regulates child labor, these children will be given a chance for an education. If the Federal government is given power to regulate child labor, every child will be given equal protection. In nine States there is no law prohibiting children under fourteen from working in both factories and stores; thirty-five States allow children to go to work without a common-school education; nineteen States do not make physical fitness for work a condition of employment; eleven States allow children under sixteen to work from nine to eleven hours daily; one State does not regulate in any way daily hours of labor of children; four States do not protect children under sixteen from night work. Therefore, it is not a State problem, but a Federal one. If the liquor traffic had been left to the States our country would never have been freed from the open saloon. If the Federal government could be trusted

to arm four million men to make the world safe for democracy, we should let the Federal government do the same thing to make the world safe for our children.

Facts for the Negative.

Why the States Should Regulate Child Labor and not the Federal Government.—Each State knows best what is best for the children in that State. The child labor problem in Louisiana is entirely different from that in Maine or Wisconsin. The Federal government might be able to regulate the child, but not the child's condition. Congress cannot regulate the employer of that child. The amendment makes absolutely no provision for the kind of labor. Only ten per cent of the million children gainfully employed are in destructive occupations; that means 950,000 children are in constructive work.

If the Federal government is allowed to regulate all child labor, even a farmer's boy will not be free to drive cows to pasture or to pick berries on his father's farm.

The passage of this amendment will rob the parent of any control over his children. He must be given permission by the Federal government before he can be employed by his own father or by his widowed mother, who may be dependent upon his support.

A Federal child labor law will make loafers of all children under eighteen. A million children turned loose on the public streets would become a menace to the nation. Work is good for children. Throw them out of work, and you throw them into mischief.

There are already too many amendments to the Constitution of the United States. Our Puritan Fathers got along very well without amending the Constitution. What was good enough for them should be good enough for us.

If the Federal government regulated child labor it would mean an army of officials to carry out instructions, it would increase taxes and rob every individual State of its right to control its own affairs. It will mean prying into homes, nagging parents and employers with provisions enacted by Congress thousands of miles away.

NOTE I.—Further material for this debate may be found in the following documents: Hearings before a Subcommittee of the Committee on the Judiciary, U. S. Senate, Sixty-Seventh Congress, fourth session; write Committee on the Judiciary, U. S. Senate, Washington, D. C. Report of the Committee on the Judiciary on Child Labor Amendment to the Constitution of the United States. Write Committee on the Judiciary, House of Representatives, Washington. Children in Gainful Occupations at the Fourteenth Census of the U. S. Department of Commerce; write U. S. Bureau of the Census, Washington, D. C. Child Labor in the United States: Ten Questions Answered. Children's Bureau, Publication 114, Washington.

NOTE II.—This amendment has since been defeated, but the question of child labor will be agitated still with the hope of raising the standards in the separate States.